

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14364US09)

In the Application of:

Joseph Kubler et al.

Serial No.: 10/783,572

Filed: February 20, 2004

For: HIERARCHICAL DATA
COLLECTION NETWORK SUPPORTING
PACKETIZED VOICE
COMMUNICATIONS AMONG WIRELESS
TERMINALS AND TELEPHONES

Examiner: Bo Hui Alvin Zhu

Group Art Unit: 2465

Confirmation No.: 7540

Transmitted via the Office electronic filing
system January 12, 2011.

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The Applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed December 10, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1024 days.

The basis under § 1.702 for the adjustment is as follows.

Positive Patent Term Adjustment

Four Month Guarantee For USPTO Responses (35 USC § 154(b)(1)(A)(ii))

The USPTO calculation of the patent term adjustment under the 4-month deadline for USPTO reply to the Applicant's reply under 35 USC 132 was 0 days.

The Applicant disagrees with this determination because the patent term adjustment under the 4-month deadline for USPTO reply to an Applicant response should instead be 20 days, from January 2, 2009, to January 22, 2009.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the four-month deadline following the Applicant's reply was January 2, 2009,
- the first one of an Office action on the merits, a Restriction Requirement, or a Notice of Allowance was mailed on January 22, 2009, and
- the date stated in the last point was 20 days after the four-month deadline.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- **Four Month Guarantee for USPTO Responses**
(35 USC § 154(b)(1)(A)(ii))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	20

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1024 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: January 12, 2011

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